CLASSIFICATION OFFICE DECISION

Title of publication:	unposted-18
Other known title(s):	12 YEAR OLDS hamana hamana hamana
OFLC ref:	1900251.006
Medium:	Image File
Producer:	Not stated
Country of origin:	Not stated
Language:	English, English
Applicant:	Commissioner of Police
Classification:	Unrestricted.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	23 September 2019
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	23 September 2019

Summary of reasons for decision:

The image file is a 'demotivational poster' that depicts an older child or young teenager with associated text that could be interpreted as encouraging the viewer to regard 12-year-old girls as sexually attractive. However, this is not the only interpretation available, nor does the file as a whole encourage people to become sexually aroused by children or young persons. Although the image file is likely intended to offend, the issue of causing offence, except where highly offensive language is involved, is not something that can be taken into account under the provisions of the Films, Videos, and Publications Classification Act 1994 when deciding on whether or not to restrict a publication's availability. Given the use of innuendo and word play, any sexual reading relies on the viewer's understanding of sexual matters. The sexual innuendo is not overt enough to require an age restriction. Children viewing this image file are unlikely to have the maturity to interpret it as sexual and accordingly the risk of injury to the public good is very low. The unrestricted classification is consistent with the right to freedom of expression as provided by the New Zealand Bill of Rights Act 1990.